

REMARKS

Claims 1-23 are all the claims pending in the application. Reconsideration and allowance of all the claims are respectfully requested in view of the following remarks.

Finality of the Office Action

The finality of this Office Action is improper, and should be withdrawn. That is, the Examiner's rejection of claims 1-13 under §112, 2nd paragraph, is now based on his assertion that the specification fails to provide antecedent basis for the term "reset mechanism".¹ But before the amendment to claim 1 as made on September 18, 2002, that claim included the term "reset mechanism". Until now, the Examiner did not object to the specification as failing to provide antecedent basis for this term. Accordingly, the new rejection made under §112, 2nd paragraph, was not necessitated by our September 18 Amendment. Therefore, the finality of this Office Action is improper and Applicant respectfully requests that it be withdrawn.

Drawings

The Examiner objected to the drawings as failing to show the "reset mechanism" (stops 5e and 5f) as set forth in claims 1, 8, and 9. Applicant respectfully traverses this objection because elements 5e and 5f are shown in Fig. 2.

Specification

The Examiner objected to the specification as failing to provide proper antecedent basis for the term "reset mechanism" as set forth in claim 1. Applicant respectfully traverses this rejection because the specification does, indeed, provide proper antecedent basis for the term "reset mechanism" as set forth in claim 1. Please note: original claim 1; page 1, lines 5-7; page 2, lines 13-19; page 5, lines 6-8; and page 5, line 24 - page 6, line 1, wherein both a "reset mechanism", and its mode of operation are set forth.

¹ Office Action at page 4, 1st paragraph.

Further, the Examiner objected to the specification as referencing claim 1 on page 2, line 4. Applicant has amended the specification in order to overcome this objection.

Claim Rejections - 35 U.S.C. § 112

The Examiner rejected claims 16-19 under §112, 1st paragraph, as failing to comply with the written description requirement. Specifically, the Examiner asserted that the disclosure, as originally filed, does not disclose “an outwardly-inclined ramp on said control member and a cooperating projection on said valve body” as recited in claim 16. Applicant has amended claim 16 to set forth the phrase --a sloped member--, which encompasses both “an outwardly inclined ramp” as used in Bertrand, and “a guide curve” as set forth on page 5, 1st full paragraph, of the specification as originally filed.

Further, the Examiner rejected claims 1-13 under §112, 2nd paragraph, as indefinite. Specifically, the Examiner asserted that in claim 1, the “rotating cover” as on line 9 appears to be a double inclusion of the “reset mechanism” as on line 7. Applicant respectfully traverses this rejection for the following reasons.

Claim 1 is clear as written, and the “rotating cover” is not a double inclusion of the “reset mechanism”. As noted above, in connection with the objection to the specification, the specification does provide proper antecedent basis for the “reset mechanism”. In particular, the “reset mechanism” is described as being capable of moving the shut-off from a second valve position to a first valve position against hydraulic pressure”.² The specification goes on to set forth that the showerhead of the present invention is “reset by turning the cover ...”³ But more specifically, “[t]he valve is preferably switched via a guide curve arranged on the valve body, which lifts the shut-off when the cover is turned.”⁴ And “in this process, two ribs 3b of the button 3 intervene with guide curves 5a molded onto the valve body 5. [So that t]hrough this

² Specification at page 1, lines 5-7.

³ Specification at page 2, lines 13-16.

⁴ Specification at page 2, lines 17-18.

intervention, the button 3 is moved upward ..." to reset the shut-off. Thus, it is the ribs 3b and guide curve 5a which comprise the reset mechanism, whereas the rotating cover 1 is turned to actuate the reset mechanism.

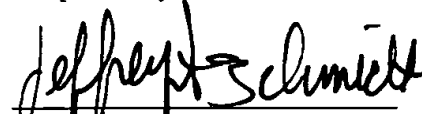
In light of the above, claim 1 is clear as written.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



Jeffrey A. Schmidt
Registration No. 41,574

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: January 7, 2004